

REMARKS

Claims 2-5, 22-24, 26-36, 38-39, 41, 72-80, 82, 86-89, 96, 106-108 and 113 are canceled without prejudice or disclaimer. Claims 90-95, 105, 109, 132-180 and 183-192 are withdrawn from consideration. New claims 200-216 have been added to more particularly recite the invention. Claims 1, 6-21, 25, 37, 40, 42-71, 81, 83-85, 90-95, 97-105, 109-112 and 114-216 are pending and under consideration upon entry of this Amendment.

Support for new claim 200 can be found on page 33, line 33 of the specification. Support for new claim 201 can be found on page 32, line 4. Support for new claims 202, 209 and 212 can be found on page 28, lines 16-18. Support for new claims 203-205 and 213-216 can be found on page 14, lines 11-16 and page 38, lines 13-21. Support for new claim 206 can be found on page 17, line 21 and page 29, line 4. Support for new claims 207 and 210 can be found on page 17, lines 13-23. Support for new claims 208 and 211 can be found on page 29, lines 3-5 and original claim 66.

Claims 25, 37, 81 and 83 have been amended to change the claim from which they depend, as the claims from which they originally depended have been canceled. Claim 124 has been amended to recite a disintegration time of 60 seconds, rather than 10 seconds. Support for this amendment can be found throughout the specification and for example, on page 14, lines 11-16 and page 38, lines 15-17. Claim 193 has been amended to more particularly recite “at least one major allergen.” Support for this amendment can be found throughout the specification and for example, on page 9, line 24.

No new matter has been added by way of the new claims or claim amendments.

Response to Restriction Requirement

The Examiner has required restriction to one of the following claim groups:

Group I: Claims 1-89, 96¹, 97-104, 106-108, 110-131, 181, 182, 193-199, drawn to pharmaceutical products;

Group II: Claims 90 [[-92]]², 105, 109, 132-149, 163-180, 183-192, drawn to methods for treating allergies;

Group III: Claims 93-95 [[96]], drawn to a method of measuring the friability of a solid dosage form; and

Group IV: Claims 91-92, 150-162 [[163]]³, drawn to method of preparing solid, non-compressed pharmaceutical product.

Applicants hereby elect the claims of Group I (claims 1-89, 96-104, 106-108, 110-131, 181, 182, 193-199) without traverse. Of these claims, claims 2-5, 22-24, 26-36, 38-39, 41, 72-80, 82, 86-89, 96, 106-108 and 113 have been cancelled. Applicants respectfully point out that claim 96, which depends from claim 1 and is directed to a dosage form, not a method, should be included in the claims of Group I, not Group III. Additionally, new claims 200-216 are directed to the same subject matter of the claims of Group I. Accordingly, Applicants request examination of claim 96 and new claims 200-216 with the claims of Group I.

Furthermore, the Examiner has stated that the claims encompass a multitude of patentably distinct species. Specifically, the Examiner contends that pollen allergens, mite and insect allergens, venom allergens, animal hair allergens, dander allergens, and food allergens are patentably distinct because claims to the species recite the mutually exclusive characteristics of such species.

¹ Applicants respectfully note that claim 96, which depends from claim 1 and is directed to a dosage form, not a method, should be included in the claims of Group I, not Group III.

² Applicants respectfully note that claims 91 and 92, which are directed to methods of preparing solid dosage forms, not methods of measuring the friability of a solid dosage form, should be included in the claims of Group IV, not Group II.

³ Applicants respectfully note that claim 163 had already been correctly grouped by the Examiner with the claims of Group II.

Applicants hereby elect, without traverse, the species of pollen allergens.

The Examiner has also requested that the claims encompassing the elected species be identified. These claims, of the elected claims of Group I, are claims 1, 6-21, 25, 37, 40, 42-68, 71, 81, 83-85, 97-104, 110-112, 114-131, 181, 182, 193-198 and 200-216. These claims, of the withdrawn claims, are claims 90-95, 105, 109, 132-180, and 183-192.

Applicants note that the Examiner has indicated that if election of a Group of claims drawn to a product (e.g., Group I), any method claims that depend from or otherwise include the limitations of a patentable product claim will be entered as a matter of right.

CONCLUSION

It is believed that this paper is fully responsive to the outstanding requirement for claim election. Accordingly, consideration of these remarks is respectfully requested. In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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